

## DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METAL BINDING PROTEINS AND ASSOCIATED METHODS the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby declare: All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### POWER OF ATTORNEY

I appoint the following as my attorneys with full power of substitution and revocation, to prosecute said application and to transact in connection therewith all business in the Patent and Trademark Office and before competent International Authorities:

Berman, C., Reg. 29249  
Bobys, M.P., Reg. 45,267  
Bosworth, M.K., Reg. 28,186  
Bovasso, L.J., Reg. 24,075  
Boyce, J., Reg. 40,920  
Brown, M.E., Reg. 28,590  
Burton, D.L., Reg. 45,323  
Canter, B., Reg. 34,792  
Chen, A., Reg. P48,508  
Chou, C., Reg. 41,672  
Coleman, B.R., Reg. 39,145  
Cullman, L.C., Reg. 39,645  
Darrow, C., Reg. 30,166  
Diepenbrock III, A.B., Reg. 39,960  
Edwards, W.G., Reg. 44,426  
Farber, M., Reg. 32,612

Guernsey, L.B., Reg. 40,008  
Guillot, R.O., Reg. 28,852  
Hamrick, C.A.S., Reg. 22,586  
Hansen, S.R., Reg. 38,486  
Harris, M.D., Reg. 26,690  
Hayden, R.D., Reg. 42,645  
Heyninck, M., Reg. 44,763  
Hickman, P.L., Reg. 28,516  
Howell, S.M., Reg. 45,929  
Hughes, M.J., Reg. 29,077  
Inskeep, J.W., Reg. 33,910  
Jastram, H.D., Reg. 19,777  
Kelley, S.S., Reg. 43,449  
Kennedy, B., Reg. 33,407  
Khan, T., Reg. 46,273  
Kudla, J.P., Reg. P47,724

Larson, D.N., Reg. 29,401  
Lazaris, S.J., Reg. 45,981  
Lervick, C.J., Reg. 35,244  
Lieske, S.C. Reg. 47,749  
MacLean, K.A., Reg. 31,118  
McKinley, D., Reg. 42,867  
McRoss, L., Reg. 40,427  
Morton, C.A., Reg. 44,954  
Nader, R., Reg. P47,260  
Roberts, R.E., Reg. 38,597  
Rose, A. C., Reg. 17,047  
Rosenberg, C., Reg. 31,464  
Sherry, L., Reg. 43,918  
Smith, G.P., Reg. 20,142  
Swienton, B., Re. P49,050  
Wood, G.B., Reg. 28,133

whose address is:

## OPPENHEIMER

OPPENHEIMER WOLFF & DONNELLY LLP  
2029 Century Park East, Suite 3800  
Los Angeles, California 90067  
(310) 788-5000 • Fax (310) 788-5100

Address all communications and telephone calls to Kurt A. MacLean of the below-listed firm at (949) 823-6023 and at e-mail address [kmaclean@oppenheimer.com](mailto:kmaclean@oppenheimer.com).

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor **ROGER A. ACEY**

Inventor's signature Roger A. Acey Date 8/16/01  
Residence: 17634 Virginia, Bellflower, California 90706  
Citizenship USA  
Post Office Address 17634 Virginia, Bellflower, California 90706, USA

Full name of second inventor **MICHAEL MUSTILLO**

Inventor's signature M Mustillo Date 8/17/01  
Residence: 210 Euclid, Apt. B., Long Beach, California 90803  
Citizenship USA  
Post Office Address 210 Euclid, Apt. B., Long Beach, California 90803

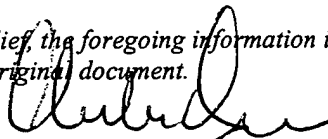
Full name of third inventor **BRENTON G. HARPHAM**

Inventor's signature Brent Harpham Date 8/15/01  
Residence: 3270 Big Sky Drive, Thousand Oaks, California 91360  
Citizenship USA  
Post Office Address 3270 Big Sky Drive, Thousand Oaks, California 91360

PAT-804:2hj04!

## PATENTS ONLY

To the Hon. Commissioner of Patents &amp; Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies): <b>Michael Mustillo;</b> <b>Brenton Glen Harpham</b> Additional name of conveying party attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	2. Name and address of receiving party(ies): <b>Roger Acey</b> <b>17634 Virginia</b> <b>Bellflower, CA 90706</b> Additional name(s) and address(es) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Security Agreement <input type="checkbox"/> Other	
Execution Date: <b>August 15 &amp; 17, 2001</b> 4. Application number(s) or patent numbers:  If this document is being filed together with a new application, the execution date of application is: <b>September 6, 2001</b> A. Patent Application No(s).      B. Patent No(s).  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address party to whom correspondence concerning document should be mailed:  <b>Charles Berman, Reg. 29,249</b> <b>OPPENHEIMER WOLFF &amp; DONNELLY LLP</b> <b>2029 Century Park East, 38<sup>th</sup> Fl.</b> <b>Los Angeles, CA 90067</b>	6. Total number of applications and patents involved:  <b>[ 1 ]</b>
	7. Total fee (37 CFR 3.41): <b>\$40.00</b> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to Deposit Account
	8. Deposit Account Number: <b>16-2230</b>
DO NOT USE THIS SPACE	
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  <div style="display: flex; justify-content: space-between;"> <div> <b>Charles Berman, Reg. 29,249</b>            Name of Person Signing         </div> <div style="text-align: center;">             Signature         </div> <div style="text-align: right;"> <b>September 6, 2001</b>            Date         </div> </div>	
Total number of pages including cover sheet, attachments, and document: <b>[ 2 ]</b>	

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents &amp; Trademarks

Box Assignments

Washington, D.C. 20231

**FILE COPY**

## ASSIGNMENT

WHEREAS, We, Michael Mustillo, having a place of residence at 210 Euclid, Apt. B, Long Beach, California 90803 and Brenton Glen Harpham, having a place of residence at 3270 Big Sky Drive, Thousand Oaks, California 91360, the undersigned co-inventors and the ASSIGNORS herein, have invented **Metal Binding Proteins and Associated Methods**, for which we are about to file application for Letters Patent of the United States, which application has been executed by us concurrently herewith and of which inventions and improvements we are the owners; and

WHEREAS, Roger Acey, residing at 17634 Virginia, Bellflower, California 90706, the ASSIGNEE herein, desires to acquire the entire right, title and interest in and to said inventions, applications and Letters Patent to be granted and issued thereon;

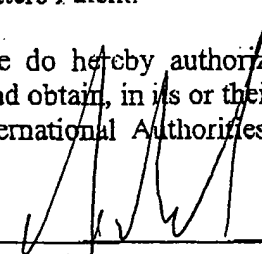
NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) by the ASSIGNEE to us paid, and other valuable consideration, the receipt and legal sufficiency of all of which is hereby acknowledged, we, the said ASSIGNORS, have sold and do hereby sell, assign, transfer and set over unto said ASSIGNEE, its successors and assigns, the entire right, title and interest in and to said inventions and all improvements thereon, in and to said application for Letters Patent thereon, in and to applications pertaining to or based upon said inventions and applications, including divisional and continuing applications and continuations-in-part, and in and to any and all Letters Patent which may be granted and issued on said inventions and applications, or any of them, not only for, to and in the United States of America, its territories and possessions, but for, to and in all countries foreign thereto, together with and including all priority rights based upon any and all applications in the United States of America covered by this Assignment.

And for the above-named considerations, we do hereby agree that we will, at the request of said ASSIGNEE, execute any and all applications for Letters Patent for said inventions and any and all other papers and documents and do all other and further lawful acts that said ASSIGNEE may deem necessary or desirable to obtain Letters Patent on said inventions, to secure the grant of such Letters Patent and to perfect and vest in the ASSIGNEE the entire right, title and interest in the inventions, applications and Letters Patent.

And for the above-named considerations, we do hereby authorize and empower the ASSIGNEE, its successors and assigns, to apply for and obtain, in its or their own names, Letters Patent for the said inventions before competent International Authorities and in any and all Letters Patent so obtained.

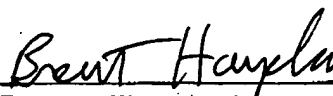
Dated: 8/17/01

Witness: 

  
Michael Mustillo  
210 Euclid, Apt. B  
Long Beach, CA 90803

Dated: 8/15/01

Witness: 

  
Brenton Glen Harpham  
3270 Big Sky Drive  
Thousand Oaks, CA 91360